



Minnesota Board of Chiropractic Examiners

October 1, 2013

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Governor Mark Dayton
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

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Legislative Coordinating Commission
463 State Office Building
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St. Paul, MN 55155

Senator Richard Cohen, Chair
Finance Committee
121 State Capitol
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Senator Tony Lourey, Chair
Health & Human Services Committee
120 State Capitol
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Senator Ron Latz, Chair
Judiciary Committee
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Senator Kathy Sheran, Chair
Health, Human Services & Housing
120 State Capitol
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Rep. Michael Nelson, Chair
Government Operations
565 State Office Building
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Rep. Thomas Huntley, Chair
Health & Human Services – Finance
585 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
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Rep. Tina Liebling, Chair
Health & Human Services – Policy
367 State Office Building
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Rep. Debra Hilstrom, Chair
Judiciary, Finance & Policy
379 State Office Building
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Michele Timmons, Revisor
Legislative Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Governor Dayton, Senators, Representatives, and Revisor Timmons:

Minnesota Statute § 14.05, subdivision 5, directs state agencies to report to you by December 1 of each year whether any of their rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The Minnesota Board of Chiropractic Examiners has reviewed its rules and found that Minnesota Rule 2500.1150, paragraph A regarding the fee for Peer Review is obsolete and unnecessary. This rule became obsolete in 2001, when the corresponding Minnesota Statute § 148.106 regarding Peer Review of services and fees was repealed.

You may find copies of all related statutes and rules enclosed. Please keep us informed of how actions to remove this rule progress. Please let me know if I may provide further assistance.

Sincerely,

Larry A. Spicer, DC
Executive Director

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2012 Minnesota Statutes

14.05 GENERAL AUTHORITY.

Subdivision 1. **Authority to adopt original rules restricted.** Each agency shall adopt, amend, suspend, or repeal its rules in accordance with the procedures specified in sections 14.001 to 14.69, and only pursuant to authority delegated by law and in full compliance with its duties and obligations. If a law authorizing rules is repealed, the rules adopted pursuant to that law are automatically repealed on the effective date of the law's repeal unless there is another law authorizing the rules. Except as provided in section 14.06, sections 14.001 to 14.69 shall not be authority for an agency to adopt, amend, suspend, or repeal rules.

Subd. 2. **Authority to modify proposed rule.** (a) An agency may modify a proposed rule in accordance with the procedures of the Administrative Procedure Act. However, an agency may not modify a proposed rule so that it is substantially different from the proposed rule in the notice of intent to adopt rules or notice of hearing.

(b) A modification does not make a proposed rule substantially different if:

(1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;

(2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and

(3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:

(1) the extent to which persons who will be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;

(2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and

(3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.

Subd. 3. **Authority to withdraw proposed rule.** An agency may withdraw a rule any time before filing it with the secretary of state. An agency may withdraw a portion of a rule unless the remaining rule is substantially different from the rule as published. It shall publish notice that the rule has been withdrawn in the State Register. If a rule is withdrawn, the agency may again propose it for adoption, either in the original or modified form, but the agency shall comply with all procedures of sections 14.05 to 14.28, with the exception of section 14.101, if the noncompliance is approved by the chief administrative law judge.

Subd. 4. [Expired]

Subd. 5. **Review and repeal of rules.** By December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary, or duplicative. If none of an agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion.

Subd. 6. **Veto of adopted rules.** The governor may veto all or a severable portion of a rule of an agency as defined in section 14.02, subdivisions 2 and 4, by submitting notice of the veto to the State Register within 14 days of

receiving a copy of the rule from the secretary of state under section 14.16, subdivision 3; 14.26, subdivision 3, or 14.386 or the agency under section 14.389, subdivision 3, or section 14.3895. The veto is effective when the veto notice is submitted to the State Register. This authority applies only to the extent that the agency itself would have authority, through rulemaking, to take such action. If the governor vetoes a rule or portion of a rule under this section, the governor shall notify the chairs of the legislative committees having jurisdiction over the agency whose rule was vetoed.

History: 1957 c 806 s 2; 1974 c 344 s 1-3; 1975 c 380 s 2; 1975 c 413 s 1; 1976 c 138 s 1; 1977 c 443 s 2; 1980 c 615 s 3-7,9-11,39-50; 1981 c 253 s 5-19; 1981 c 357 s 25; 1Sp1981 c 4 art 2 s 1; 1982 c 424 s 130; 1987 c 384 art 2 s 1; 1990 c 422 s 10; 1995 c 233 art 2 s 6,7,56; 1997 c 98 s 5; 1998 c 303 s 2; 1999 c 129 s 1,6; 2001 c 106 s 1; 2001 c 179 s 1,10,11

2012 Minnesota Statutes

148.106 PEER REVIEW OF SERVICES AND FEES.

Subdivision 1.[Repealed, 2001 c 121 s 7]

Subd. 2.[Repealed, 2001 c 121 s 7]

Subd. 3.[Repealed, 2001 c 121 s 7]

Subd. 4.[Repealed, 2001 c 121 s 7]

Subd. 5.[Repealed, 2001 c 121 s 7]

Subd. 6.[Repealed, 2001 c 121 s 7]

Subd. 7.[Repealed, 2001 c 121 s 7]

Subd. 8.[Repealed, 2001 c 121 s 7]

Subd. 9.[Repealed, 2001 c 121 s 7]

Subd. 10. **Confidentiality of peer review records.** All data and information acquired by the board or the peer review committee before August 1, 2001, in the exercise of its duties and functions in conducting peer reviews before August 1, 2001, shall be subject to the same disclosure and confidentiality protections as provided for data and information of other review organizations under section 145.64. The data, information, and records are classified as private data on individuals for purposes of chapter 13. The patient records obtained by the board pursuant to this section must be used solely for the purposes of the board relating to peer review or the disciplinary process.

History: 1987 c 345 s 11; 2001 c 121 s 6

Minnesota Administrative Rules

2500.1150 FEES.

The fees charged by the board are fixed at the following rates:

- * —→ A. peer review fee to be paid by a requesting doctor or by a requesting insurance company, \$100;
- B. licensing examination regrade fee, \$30;
- C. copy of a board order or stipulation fee, \$10 each;
- D. certificate of good standing or licensure verification to other states, \$10 each;
- E. duplicate of the original license or of an annual renewal, \$10;
- F. miscellaneous copying fee, 25 cents per page;
- G. independent medical examination registration fee, \$150;
- H. independent examination annual renewal fee, \$100;
- I. incorporation renewal late charge, \$5 per month;
- J. computer lists, \$100; and
- K. computer printed labels, \$150.

Statutory Authority: *MS s 148.08*

History: *15 SR 1407; 17 SR 1711; 19 SR 734; 31 SR 185*

Posted: *August 24, 2011*